

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re:	:	Case No. 13-51066
	:	
Jonathan D. Anderson and,	:	Chapter 13
Kaylyn S. Anderson	:	
	:	
Debtor(s).	:	Judge C. Kathryn Preston

DEBTORS' OBJECTION TO PROOF OF CLAIM #16-1

Now come Debtors, by and through counsel, and hereby object to Claim #16-1, filed April 12, 2013, by Capital One, N.A. (Best Buy Co., Inc.), c/o Bass & Associates, P.C., 3936 E. Ft. Lowell Road, Suite #200, Tucson, AZ 85712 in the above captioned case. A memorandum in support is attached.

Respectfully submitted,
JUMP LEGAL GROUP

/s/ Laura M. Nesbitt

Laura M. Nesbitt (0082629)
W. Mark Jump (0062837)
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MEMORANDUM

Debtors filed the instant Chapter 13 case on February 18, 2013. Debtor's plan was confirmed on May 23, 2013 and does not provide for Capital One, N.A. (Best Buy Co., Inc.)'s Claim #16 to be paid as secured.

Capital One, N.A. (Best Buy Co., Inc.) ("Creditor") filed Claim #16-1 on April 12, 2013, in the amount of \$3,043.43, as a secured claim. Section G(1)(a) of Debtors' confirmed chapter 13 plan calls for Capital One/Best Buy to be paid in full pursuant to a co-debtor on the account. However, Creditor's Claim #16 is not a co-debtor account and Debtors' plan does not provide for Claim #16 to be paid as secured. In fact, Capital One, N.A. filed proof of claim #23-1 as secured as it relates to the co-debtor claim specified to be paid in full in section G(1)(a) of Debtors' confirmed plan.

Therefore, Capital One, N.A. (Best Buy Co., Inc.)'s claim #16-1 does not relate to the claim to be paid in full pursuant to section G(1)(a) of debtor's confirmed plan. Further, only two pieces of personal property referenced in Creditor's Claim #16 remain in Debtor's possession, specifically a television and a camera, which Debtors estimate to be worth \$700.00.

WHEREFORE, Debtors respectfully request that Capital One, N.A. (Best Buy Co., Inc.)'s claim #16-1 be reduced to reflect \$700.00 to be paid as secured with the remainder of the claim in the amount of \$2,343.43 to be treated as unsecured.

Respectfully submitted,
JUMP LEGAL GROUP

/s/ Laura M. Nesbitt
Laura M. Nesbitt (0082629)
W. Mark Jump (0062837)
Attorneys for Debtors

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NOTICE OF OBJECTION TO CLAIM

Debtor(s), by and through Attorney W. Mark Jump, has filed an objection to your claim in this bankruptcy case.

Your claim may be reduced, modified, or eliminated. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to reduce, modify or eliminate your claim, then on or before **thirty (30) days from the date set forth in the certificate of service for the objection to claim**, you must file with the court a response explaining your position by mailing your response by regular U.S. Mail to (address of bankruptcy court clerk's office) OR your attorney must file a response using the court's ECF System.

The court must **receive** your response on or before the above date.

You must also send a copy of your response either by 1) the court's ECF System or by 2) regular U.S. Mail to Laura M. Nesbitt, 2130 Arlington Avenue, Columbus, Ohio 43221 and all other parties in interest, including but not limited to the Standing Trustee and U.S. Trustee.

If you or your attorney do not take these steps, the court may decide that you do not oppose the objection to claim and may enter an order reducing, modifying, or eliminating your claim without further notice or hearing.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing *Objection to Claim* was served upon the parties listed below this 28th day of June, 2013 electronically through the Courts CM/ECF system as permitted by the rules or by regular U.S. mail, postage pre-paid.

/s/ Laura M. Nesbitt

Laura M. Nesbitt (0082629)

SERVED ELECTRONICALLY:

Frank M. Pees, Chapter 13 Trustee

Office of the United States Trustee

Michael T. Gunner, counsel for Heather A. Anderson

W. Mark Jump, counsel for Jonathan and Kaylyn Anderson

Trevor J. Innocenti, counsel for Fairfield National Bank

Christopher P. Kennedy, counsel for Flagstar Bank, FSB

SERVED VIA REGULAR U.S. MAIL:

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Jonathan D. and Kaylyn S. Anderson
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Capital One
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SERVED VIA CERTIFIED MAIL:

ATTN: Richard D. Fairbank, CEO
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